

question,¹⁰² Bill 323 makes no provision for litigation-preventative legal advice to indigents, a limitation which in itself severely diminishes the value of the proposed reform. Its presumption of state of indigency lacks flexibility. It provides for compensation to counsel but makes no provision for the creation of state paid legal aid officers or for state support to organizations that could operate as Neighborhood Law Offices.

The suggestions made to eliminate the Committees on Free Legal Assistance in civil cases and to vest jurisdiction in the presiding judge have also been disregarded. The Bill does not include any provision authorizing legal aid with a partial contribution by the assisted person which would make it possible for people of moderate means to obtain adequate legal assistance.

Japan

by Ronald E. Lee*

INTRODUCTION

Recent discussion by American lawyers concerning legal services for people of moderate means in civil matters has tended to focus on group legal services, specialization and use of para-professionals by lawyers, lawyer referral services and the like. Emphasis on programs for reform in these areas is premised on two assumptions: that there is substantial unfilled need for services of full-fledged lawyers among people of moderate means, and that the best solution to this problem lies in the direction of making such services less costly and otherwise more available.

However valid these assumptions may be with respect to American society, the roles of law, lawyers and quasi-lawyers are so different in Japanese society that, by itself, a survey of special programs for increasing availability of lawyers' services in Japan reveals relatively little about how legal-service needs are met. For example, in addition to 8,562 Japanese lawyers (*bengoshi*), other licensed practitioners in Japan who render some of the kinds of services provided by American lawyers include 20,969 tax agents (*zeirishi*), 1,657 patent agents (*benrishi*), 12,042 judicial scriveners (*shihō shoshi*),¹⁰³ 13,500 administrative scriveners (*gyōsei shoshi*) and 380 notaries (*kōshōnin*).¹⁰⁴ Moreover, much of the legal work of corporations

¹⁰²See Cappelletti and Denti, *op. cit.*, *supra* note 82. See also Fassone, *Osservazioni Critiche al Progetto Governativo in Tema di Patrocinio Statale per i Non Abbienti*, [1969] *Giur. Ital.* IV 242; Cappelletti, *La Giustizia come Obolo*, *ASTROLABIO* of April 4, 1971, 25.

*B.A., Brigham Young (1967); A.M., Harvard (1969); J.D., University of Washington (1971).

¹⁰³BENGOSHI NO GYOMU, KEIEI (Lawyers' practice and management) 95, 116-17 (Koga ed.) in 3 KOZA, GENDAI NO BENGOSHI (1970) [hereinafter cited as Koga].

¹⁰⁴HENDERSON, *FOREIGN ENTERPRISE IN JAPAN, LAWS AND POLICIES* ch. 5 (North Carolina Press, 1972 in press).

and governmental agencies is performed by laymen, many of whom majored or minored in law while in college.¹⁰⁵

If we include small business operators in our definition of people of moderate means, the tax agent and the administrative scrivener are important for their respective roles in connection with tax filings¹⁰⁶ and the licensing of restaurants, barbershops and the like.¹⁰⁷ Apart from these special needs of small business, when people of moderate means need the services of a private practitioner of law they usually see a lawyer or a judicial scrivener.

This brief paper will focus on the roles of the latter two legal specialists in meeting the legal service needs of these people in non-criminal matters. For our purposes here, "people of moderate means" may be considered to mean members of households with incomes of around 1,200 to 5,000 dollars per year, corresponding roughly to families with incomes of 5,000 to 15,000 dollars per year in the United States.¹⁰⁸

THE LOW DEMAND FOR LAWYERS' SERVICES

Due to a variety of factors private legal practitioners play a much smaller role in Japanese society than they do in the United States. Some of these factors are common to civil law systems generally, and some are more or less peculiar to Japan. Three such factors which are particularly important from the standpoint of meeting legal service needs of people of moderate means are heavy reliance on extra-judicial means of dispute resolution, extensive use of public registries, and litigation by parties unrepresented by lawyers.

While out-of-court settlement of disputes is by no means unique to Japan, an unusually strong tendency of the Japanese to avoid litigation has

¹⁰⁵The importance of considering these non-licensed but law-trained people in any assessment of the number of "lawyers" in Japan was stressed by Professor Akira Mikazuki of Tokyo University in a discussion with the writer in Seattle, Aug. 12, 1970.

¹⁰⁶Japan uses a withholding and year-end adjustment system in which employers are responsible for assessment and remittance of income tax on remuneration for services paid their employees. In the case of the national income tax, an employee need not file an individual return if such remuneration for the taxable year does not exceed 5,000,000 yen (13,900 dollars) and income from other sources does not exceed 50,000 yen (139 dollars). *Shotokuzeihō* (Income tax law) (Law No. 27, 1947) arts. 121, 190.

¹⁰⁷See HENDERSON, *supra* note 104.

¹⁰⁸In 1968 Japanese per capita personal income was 382,000 yen (1,061 dollars), roughly one-third the U.S. figure of 3,421 dollars. However, because seniority is the primary factor determining increases in income for most Japanese, incomes of young people are comparatively low. In 1968, for example, the average income for a household of three persons in which the head of the household was from 25 to 29 years old was 72,532 yen (201 dollars). The average number of income earners in such households was 1.56. *THE WORLD ALMANAC AND BOOK OF FACTS* 93 (1970); *NIHON TŌKEI NENKAN* (Japan statistical yearbook) (No. 20) 413, 495 (1970).

repeatedly caught the attention of Western observers. In place of litigation a number of formal and informal procedures are employed for resolving disputes both between private persons and between private persons and the government.¹⁰⁹ Procedures used for settling private disputes range from simple compromise between the parties and informal conciliation by private parties or government counselors to formal conciliation under the auspices of family and civil courts. Formal conciliation of the latter type is quicker and cheaper than litigation, and in 1968 about 54,000 civil conciliation cases were filed compared with some 185,000 civil suits.¹¹⁰

The great bulk of conciliation is accomplished informally however, usually through the efforts of intermediaries able to command the respect of the parties or otherwise exert some form of pressure when necessary to effect settlement. Important informal conciliators include family and community dignitaries, employers, police station counselors,¹¹¹ and bill-collector-like professional dispute settlers who sometimes employ strong-arm methods of intimidation.

Lawyers and judicial scriveners also play a role in effecting out-of-court settlements, but they are newcomers in a field of more traditional conciliator types, and most conciliation is performed by laymen,¹¹² presumably with only limited reference to rights and duties under the positive law. Conciliation, both formal and informal, is especially important in the area of family disputes, and about 90 percent of all divorces in Japan are by mutual agreement of the parties.¹¹³ The percentage of civil disputes settled without litigation is of course impossible to determine with precision, but its magnitude is at least suggested by statistics which show that for a comparable period during 1959 and 1960 the number of persons per civil suit filed in Japan, California and New York was respectively 595, 26 and 48.¹¹⁴

Extensive use of public registries in Japan operates to reduce opportunities for dispute and litigation, and, in conjunction with related substantive

¹⁰⁹See generally W. Gellhorn, *Settling Disagreements with Officials in Japan*, 79 HARV. L. REV. 685 (1966); HENDERSON, *CONCILIATION AND JAPANESE LAW*, TOKUGAWA AND MODERN, 2 vols. (1965); T. Kawashima, *Dispute Resolution In Contemporary Japan*, in LAW IN JAPAN 41 (von Mehren ed., 1963).

¹¹⁰SUPREME COURT OF JAPAN, OUTLINE OF CIVIL TRIAL 21 (1969).

¹¹¹See e.g., T. Iwase, *Komarigoto sōdan wa dono yō ni kaiketsu sareru ka—keishichō kaji sōdanshō no madoguchi kara* (How problems brought for counseling are solved—from the police headquarters family affairs counseling office) JURISUTO (No. 359) 31 (Dec. 1, 1966).

¹¹²HENDERSON, *CONCILIATION AND JAPANESE LAW*, TOKUGAWA AND MODERN 192–94 (1965).

¹¹³Y. Watanabe, *The Family and the Law: The Individualistic Premise and Modern Japanese Family Law*, in LAW IN JAPAN 367 n.22 (von Mehren ed., 1963).

¹¹⁴HENDERSON, *supra* note 112, at 200.

law, to limit the need for lawyers' services in connection with many legal matters, such as succession, divorce and real-estate transactions, which most often concern people of moderate means. Registries are used to record, among other things, family relationships; ownership, security interests and other rights in immovable property; and some interests in movable property. Provided the parties agree, divorce, for instance, can be accomplished by simply recording their signed written agreement in the family registry;¹¹⁵ and registration of the descent of real property is basically a matter of comparing facts recorded in the family registry with facts recorded in the land registry and noting changes of ownership in the latter. Many simple registration matters can be accomplished by the parties themselves with the aid of registry clerks. For more complicated matters a judicial scrivener may be employed.

When the Japanese do take their disputes to court they frequently do so themselves, without representation by lawyers. This practice is not without disadvantages, but the basically civilian nature of the trial, with its emphasis on the role of the judge, simpler rules of evidence, and use of successive hearings between which the parties can further develop evidence and arguments found needful as the proceedings progress, renders it somewhat more feasible in Japanese courts than in regular courts of a common law jurisdiction. The great majority of parties appearing *pro se* do so in Japan's 570 summary courts which exercise jurisdiction in civil cases involving claims not exceeding 300,000 yen (833 dollars)¹¹⁶ and employ somewhat simplified procedures. However, the practice is not limited to the summary courts but extends to Japan's 49 district courts and to higher courts as well. In 1969 about 30 percent of the parties to regular civil suits and administrative suits brought in the district courts of Tokyo and Osaka, and nearly 50 percent of the parties to such suits brought in the other 47 district courts of the country, were not represented by lawyers.¹¹⁷

JAPANESE LAWYERS

Although Japanese lawyers share the professional sphere monopolized by lawyers in the United States with a number of other specialists, they are the only practioners of law authorized to make a business of giving advice and drafting documents in connection with all types of legal matters and,

¹¹⁵The parties may also make binding agreements concerning property division and child custody, but child custody arrangements are subject to intervention by the family court when deemed necessary for the child's welfare. JAPANESE CIVIL CODE arts. 763-69.

¹¹⁶The boundary between original jurisdiction of the summary courts and the district courts in civil cases was changed from 100,000 yen to 300,000 yen in 1970. *Saibanshohō* (Courts law) arts. 24, 33(1) (Law No. 59, 1947, as amended 1970).

¹¹⁷Koga, *supra* note 103, at 112, 114.

with the exception of the patent agents,¹¹⁸ they are the only ones permitted to represent clients in court. Lawyers are ordinarily better trained than the other legal specialists, receiving a two-year course of clinical and academic training along with candidates for the bench and the procuracy in the Legal Research and Training Institute. Preparatory training usually consists of a bachelor's degree in law from a four-year college or university, and often includes a year or more of individual study in preparation for the judicial examination.¹¹⁹

Lawyers are gradually coming to play a significant role in business counseling and other preventive-law activities, but most of them are still primarily litigation specialists, and people of moderate means most often need a lawyer to represent them in litigation or to advise them in connection with disputes. Judging from a limited number of legal aid and legal counseling office statistics, people of this class most often consult lawyers concerning family law matters, including divorce, support, paternity and succession; real-estate matters, especially landlord-tenant problems; matters pertaining to loans and commercial paper; and motor-vehicle accidents.¹²⁰

To generalize, apart from special programs the lawyer in Japan is even less accessible to people of moderate means than in the United States. Not only are his total numbers few for a country of almost 104 million people, but they are heavily concentrated in a few major cities, nearly one-half of the total practicing in Tokyo.¹²¹ Although, ethical rules governing advertising and solicitation are less explicitly codified and in some ways more relaxed than in the United States,¹²² the Japanese lawyer does not ordinar-

¹¹⁸The patent agent may appear in court in connection with his specialty. *Benrishiho* (Patent agents law) art. 9 (Law No. 100, 1921).

¹¹⁹The examination is so difficult that in 1969, for example, only 2.7 percent of 18,453 applicants passed. Koga, *supra* note 103, at 89.

¹²⁰HŌMUSHŌ JINKEN YŌGOKYOKU, HŌRITSU FUJO NO TEBIKI (Legal aid handbook) 19-21 (1969); *Tōkyōto kakku-shiyakusho ni okeru hōritsu sōdan no jittai ichiranhyō* (Table of facts concerning legal counseling at ward and city office buildings in Tokyo) JURISUTO (No. 359) 52-53 (Dec. 1, 1966).

¹²¹Koga, *supra* note 103, at 111.

¹²²For example, the Japanese lawyer makes fairly liberal use of greeting cards several times a year, and, although specialization is not yet highly developed, art. 8 of the Japan Federation of Bar Associations (JFBA), Code of Lawyers' Ethics permits him to indicate areas of specialization on his professional card, shingle and in other appropriate places. In practice the latter includes indication of dual professional qualifications and other lawyers who are also licensed as certified public accountants, tax agents, or other law-related professionals. Moreover, controversy over "group legal services" has not arisen in Japan. It is not customary for a lawyer to accept a permanent position with any organization, but he can and does receive referrals from labor unions, banks, insurance companies and other organizations. Acceptance of such referrals appears not to contravene provisions of the JFBA Code of Lawyer's Ethics or the Lawyers law, unless the organization regularly provides referral services for profit, or, apart from referral activities, is otherwise engaged in the unlawful

ily employ overt forms of advertising but relies heavily on acquaintances, relatives, and clients for referrals.¹²³ Given the high level of class-consciousness in Japanese society, such contacts are clearly inadequate to provide introductions consistently to appropriate lawyers for people of moderate means, and many lawyers are reluctant to do business with unannounced would-be clients.

Finally, as elsewhere, lawyers' fees and fear of lawyers' fees prevent many people of moderate means from making use of lawyers' services. In civil cases the lawyers' fee is most often fixed as a percentage of the value of the property which is the subject of the suit. In a suit involving a claim for property worth not more than 1,000,000 yen (2,780 dollars) the total fee will typically consist of a commencement fee representing 5 to 10 percent of the claim, and a second 10 percent fee contingent on success. Similar fees are charged for each appeal, and fees of about half that amount for attachment or compulsory execution, but the Japan Federation of Bar Associations (JFBA) standard fee schedule¹²⁴ limits the total fee to 50 percent of the claim.

Adjustments are of course made in this formula to account for a variety of factors including the financial status of the client, the difficulty of the case, and the likelihood of success.¹²⁵ Fees for other services such as legal counseling and drafting are less standardized, but according to one study, many lawyers charge nothing, as a rule, for occasional oral legal advice, and others charge from 2,000 yen (\$5.55) to 10,000 yen (\$27.80) per hour for giving legal advice.¹²⁶

SPECIAL PROGRAMS WHICH MAKE LAWYERS' SERVICES MORE AVAILABLE TO PEOPLE OF MODERATE MEANS

The scale of Japanese legal aid activities in civil matters is modest by American standards, and most programs designed to make lawyers' services more available to the public are not aimed specifically at the poor. The most important programs are ones designed to finance the costs of litigation, to provide free or low-cost legal advice, and to provide referral services.

practice of law. See *Bengoshi rinri* (Code of lawyers' ethics) art. 34, in 1 SAIBANHŌ KYŌZAI 206, 209 (Mikazuki ed., 1965); *Bengoshihō* (Lawyers law) art. 27 (Law No. 205, 1949).

¹²³See Koga, *supra* note 103, at 170-71, 265-76.

¹²⁴ROPPŌ ZENSHO (The six codes) 2880 (1971).

¹²⁵M. Tadokoro, *Hōshū kijun no genjō to mondaiten* (The present state of, and problems concerning, fee standards) 20 JIYŪ TO SEIGI (No. 3) 32-40 (March 1969).

¹²⁶Koga, *supra* note 103, at 168.

Legal aid in civil cases is provided by the Japan Legal Aid Association (JLAA) in cooperation with the JFBA and the 51 local bar associations. Consisting primarily of contributions from the Ministries of Justice and Transportation and of amounts repaid by past aid recipients, in 1969 the JLAA legal aid fund totaled almost 144,000,000 yen (about 400,000 dollars)¹²⁷ and aid was extended in 1,969 cases.¹²⁸ Legal aid recipients are selected from applicants primarily on the basis of financial need and the legal strength of their cases.

Some 90 to 95 percent of all aid recipients win or successfully compromise their cases and, in 1965, 92 percent were plaintiffs.¹²⁹ Determination of financial need is made by reference to all relevant circumstances rather than by arbitrary application of income and assets standards, and in 1968 about 18 percent of the recipients had incomes of over 40,000 yen (111 dollars) per month, high enough to qualify as people of moderate means.¹³⁰ When legal aid is granted, the JLAA selects the lawyer and pays his fee and other costs of the suit, but the recipient is obligated to repay the amounts expended in his behalf unless partially or wholly excused by reason of financial inability. About 61 percent of all legal aid extended is actually repaid.¹³¹

Japanese lawyers give free or low-cost legal advice in numerous legal counseling offices sponsored mostly by bar associations and units of local government. The government sponsored offices are most numerous, and large cities often make legal advice available to the public at one or more locations within each ward, usually for a few hours each week. In Tokyo, for example, 48 ward and city counseling offices provided free legal advice to 23,472 people in 1965.¹³² Some of the bar association sponsored programs likewise provide free advice, others charge 500 yen (\$1.39) to 2,000 yen (\$5.55) for 30 to 60 minutes of consultation with a lawyer.¹³³

In both the government and bar association programs the participating lawyers usually receive a small honorarium, typically about 1,000 yen (\$2.78) per hour. Some major newspapers also maintain free legal coun-

¹²⁷NIHON BENGOSHI RENGŌKAI, NICHIBENREN NIJŪNEN (Twenty years of the JFBA) 167 (1970).

¹²⁸Letter from the Japan Legal Aid Association to the writer, Feb. 18, 1971.

¹²⁹HŌMUSHŌ JINKEN YOGOKYOKU, *supra* note 120, at 24, 26.

¹³⁰NIHON BENGOSHI RENGŌKAI, *supra* note 127, at 169-70.

¹³¹HŌMUSHŌ JINKEN YŌGOKYOKU, *supra* note 120, at 44.

¹³²Tōkyōto kaku-shiyakusho ni okeru hōritsu sōdan no jittai ichiranhyō, *supra* note 120.

¹³³See *Zenkoku no kaku bengoshikai shusai ni yoru hōritsu sōdansho ichiranhyō* (Table of facts concerning legal counseling offices sponsored by bar associations throughout the country) JURISUTO (No. 359) 54-57 (Dec. 1, 1966).

selling facilities,¹³⁴ and legal advice columns written by lawyers are quite popular and are found in many newspapers and a few periodicals.

The most important efforts of the organized bar to make lawyers' services more available to people of moderate means have been made in the area of traffic accident cases which have increased dramatically in Japan in recent years. Vigorous activity in this area was initiated in the early 1960's by the JFBA, and appears to have been triggered by a rise in "unlawful practice of law" by numerous groups of professional dispute settlers who make a business of conciliating traffic accident disputes and assisting claimants to collect liability insurance benefits.¹³⁵

In conjunction with attempts to have the conciliators suppressed, primarily through denial of incorporation to their organizations, a number of more positive measures were taken. For example, bar associations instituted programs to provide free legal counseling and lawyer referral service in traffic accident cases; JFBA recommended fee schedule rates were reduced by one-half for traffic accident cases; and lectures and publications were employed to educate people concerning such matters as legal rights and duties in connection with automobile accidents, procedures to be followed in making insurance claims, and availability of legal services.

The JFBA also promoted various legal reforms to expedite litigation and the handling of insurance claims in connection with traffic accidents, and to increase the maximum limit on benefits payable under Japan's system of compulsory liability insurance. In 1967 the JFBA Traffic Accident Center was established to continue the conduct and coordination of such activities. The JFBA Traffic Accident Center receives financial support from the Ministry of Transportation for its legal counseling activities, and in 1969 a total of 85 affiliated legal counseling offices gave free advice in some 40,000 cases.¹³⁶

Legal counseling programs focus primarily on giving one-shot legal advice rather than on referrals, and ordinarily it would be considered unethical for a lawyer to accept employment in connection with a case in which he had rendered legal advice at a counseling office. The writer has been unable to find significant published information concerning the scope and

¹³⁴See G. Shimomitsu, *Hōritsu sōdansho ni arawareta jūgo nenkan no shomin no nayami* (Problems of the people brought to the legal counseling office over the past fifteen years) JURISUTO (No. 291) 36 (Feb. 1, 1964). See also K. Kaneda, *Asahi hōritsu sōdansho no hōritsu sōdan* (Legal counseling at the Asahi Legal Counseling Office) JURISUTO (No. 359) 58 (Dec. 1, 1966).

¹³⁵See Nihon Bengoshi Rengōkai, *Kōtsūjiko shori ni kansuru hibengoshi katsudō taisaku ni tsuite* (The strategy concerning unlawful practice of law in connection with traffic accidents) 13 JIYŪ TO SEIGI (No. 1) 32 (Jan. 1962).

¹³⁶NIHON BENGOSHI.RENGŌKAI, *supra* note 127 at 174-83.

operation of Japanese lawyer referral services, but bar associations do make referrals when requested to do so, both in traffic accident and other cases, and one survey of 109 Tokyo lawyers indicates that about one percent of their referrals come from bar associations.¹³⁷ As with American referral programs, practice varies from place to place. One bar association delegates responsibility for making appropriate referral decisions to its vice-chairman,¹³⁸ another follows a general rule of selecting referral lawyers by taking names in order from its membership roster,¹³⁹ and a third chooses names mechanically from a list of lawyers who have volunteered to accept referrals.¹⁴⁰

THE JUDICIAL SCRIVENER

The practice of judicial scriveners centers around registration procedures and the drafting of legal documents for presentation to courts, public procurator's offices, and Legal Affairs Bureau offices of the Ministry of Justice.¹⁴¹ Judicial scriveners lack the formal professional education received by lawyers, but are selected by local Legal Affairs Bureaus, usually from candidates who have either passed a nationally standardized examination or have served for at least five years in statutorily designated positions such as those of court clerk, assistant court clerk and Ministry of Justice secretary.¹⁴²

Judicial scriveners are somewhat more accessible to many people of moderate means than are lawyers. Their fees are lower and are charged only for specific drafting and registration services, not for giving legal advice; their status in society is lower; and they are less reserved about advertising, using such methods as printed match books, rather large and detailed office signs, and newspaper advertisements.¹⁴³ Significantly, judicial scriveners are more prevalent in areas outside the major cities where lawyers are scarce.¹⁴⁴

The judicial scrivener's services are of considerable importance to people of moderate means both in connection with the public registries and in connection with litigation by parties who appear in court without a

¹³⁷Koga, *supra* note 103, at 273.

¹³⁸Letter from the Nagoya Bar Association to the writer, April 17, 1971.

¹³⁹Letter from the Yamagata Bar Association to the writer, April 14, 1971.

¹⁴⁰Letter from the Osaka Bar Association to the writer, May 11, 1971.

¹⁴¹H. Tokunaga, *Shihō shoshihō gairon* (Introduction to the judicial scriveners law) 21 MINJI GEPPŌ (No. 9) 108-118 (Sept. 1966).

¹⁴²H. Tokunaga, *Shihō shoshihō gairon*, 21 MINJI GEPPŌ (No. 7) 53, 61-62 (July 1966).

¹⁴³There is controversy, however, concerning the propriety of advertising in newspapers. See H. Tokunaga, *Shihō shoshihō gairon*, 21 MINJI GEPPŌ (No. 10) 37, 41 (Oct. 1966).

¹⁴⁴Koga, *supra* note 103, at 116.

lawyer. In the registry-related role his services are complementary to those of the lawyer, consisting of many routine drafting and recording jobs that lawyers ordinarily prefer not to do, and lawyers themselves may use his services in connection with such work. The recently revised schedule of standard fees of the Tokyo Judicial Scriveners Association sets fees for registering a transfer of ownership in land, for example, at 2,200 yen (\$6.11) to 5,000 yen (\$13.89), depending on the value of the land involved.¹⁴⁵ Fees in most areas of the country are no doubt lower.

The judicial scrivener's role in connection with litigation is well-established but more controversial than his registration-related role, partly because in this area he competes to some extent with the lawyer. Technically, the judicial scrivener is not permitted to make a business of giving legal opinions,¹⁴⁶ but in connection with litigation he drafts pleadings, briefs, and other documents for use by his clients in court. In Tokyo the standard fee for such drafting is 600 yen (\$1.67) per page.¹⁴⁷ Such drafting obviously requires the exercise of legal judgment as well as the more mechanical skills of scribener, and naturally entails a good deal of incidental counseling as well.

Judicial scriveners defend their practice in this area, saying that lawyers are too expensive for the common people and are not interested in small cases of the kind judicial scriveners most often handle; some argue that they should be permitted to represent their clients in the summary courts because they are already doing everything else in connection with most summary court suits.¹⁴⁸ Interestingly, however, not all parties who go to court without a lawyer avail themselves even of the services of a judicial scrivener. In a JFBA study of litigation by "lawyerless" parties in two rural prefectures in 1966, 72 percent of 202 parties interviewed had employed a judicial scrivener to prepare the pleadings and other necessary documents, 13 percent had received help from someone other than a judicial scrivener, and 15 percent said they had prepared the necessary documents themselves without help from anyone.¹⁴⁹

¹⁴⁵ROPPO ZENSHO 2879 (1971).

¹⁴⁶Bengoshihō art. 72 (Law No. 205, 1949).

¹⁴⁷ROPPO ZENSHO 2879 (1971).

¹⁴⁸See T. Kiyama, *Korekara no shihō shoshi seido* (The future of the judicial scrivener system) NIHON SHIHŌ SHOSHIKAI HŌ (No. 70) 55, 57-58 (Jan. 20, 1971).

¹⁴⁹Honnin soshō no jittai—Miyazaki, Toyama ryōken ni okeru chōsa kara (Empirical data concerning suits in which parties appear *pro se* from the survey conducted in Miyazaki and Toyama prefectures) 19 JIYŪ TO SEIGI (No. 8) 52-53 (Aug. 1968).